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CLERK US DISTRICT COURT
DISTRICT OF ARIZONA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,

Plaintiff,

vs.

Albert W. Rios

Defendant.

CR 15-1201 TUC
INDICTMENT

Violations:

Count 1: 18 U.S.C. § 641
(Theft of Government Money)

Counts 2-5: 18 U.S.C. § 1001
(False Statements)

THE GRAND JURY CHARGES:

INTRODUCTORY ALLEGATIONS

At all times material to the Indictment:

1. The U.S. Department of Veterans Affairs provides travel benefits, in the form of reimbursement for mileage, for veterans who travel to a Veterans Affairs Medical Center (VAMC) to receive services.

2. Reimbursement of travel expenses is authorized for veterans who travel on their own from their residence to a Veterans Affairs (VA) facility in connection with treatment or care for a service-connected disability, or who otherwise qualify for reimbursement due to their income level. Reimbursement is generally limited to travel from a beneficiary's residence to the nearest VA facility where the care or services can be provided, and from such VA facility back to the beneficiary's residence. If the veteran's

1 travel is for scheduled treatment or care for which the veteran has an appointment,
2 roundtrip travel is reimbursed. For emergency or non-scheduled appointments, the
3 veteran is entitled to reimbursement only for one-way mileage.

4 3. Albert W. RIOS is a United States veteran who received services through
5 the VA in Tucson, Arizona between January 3, 2012 and November 12, 2013.

6 4. In the summer of 2011, RIOS resided with his parents-in-law at 220
7 Kaywood Wash Rd., Duncan, Arizona 85534. In December 2011, RIOS relocated from
8 Duncan to Tucson, Arizona, where he lived between January 2012 and November 2013.

9 5. In connection with his receipt of services from the VAMC, RIOS submitted
10 numerous vouchers during the period from January 3, 2012 to November 12, 2013,
11 claiming reimbursement for travel from 220 Kaywood Wash Rd., Duncan, Arizona
12 85534 to the VAMC in Tucson, a distance of more than 150 miles each way.

13 6. During this time period, however, RIOS did not reside in Duncan, Arizona
14 nor did he travel to and from Duncan and the Tucson VAMC. Rather, he resided in
15 Tucson, Arizona between January 3, 2012 and November 12, 2013.

16 7. Between January 3, 2012 and November 12, 2013, RIOS submitted
17 vouchers claiming \$50,704.51 worth of reimbursement benefits for travel between 220
18 Kaywood Wash Rd., Duncan, Arizona 85534, and the Tucson VAMC.

19 **INCORPORATION CLAUSE**

20 The paragraphs "1" through "8" as set forth in the Introductory Allegations are
21 incorporated by reference herein into each and every Count in the Indictment.

22 **COUNT 1 – Theft of Government Money**

23 **18 U.S.C. § 641**

24 On or about, January 3, 2012, and continuing up to and including November 12,
25 2013, at or near Tucson, in the District of Arizona, Defendant, Albert W. RIOS, did
26 knowingly and unlawfully embezzle, steal, purloin, and convert to his own use, money of
27 the United States of America or any department or agency thereof, specifically, the U.S.
28

1 Department of Veterans' Affairs, in the amount of approximately \$50,704.51, all in
2 violation of Title 18, United States Code, Section 641.

3 **COUNT 2 – False Statements**

4 **18 U.S.C. § 1001**

5 On January 3, 2012, at or near Tucson, in the District of Arizona, Defendant,
6 Albert W. RIOS, did knowingly and willfully make a materially false, fictitious, and
7 fraudulent statement and representation in a matter within the jurisdiction of the U.S.
8 Department of Veterans' Affairs, by giving a false departure address on a travel
9 reimbursement form in Tucson, Arizona, in the District of Arizona. The statement and
10 representation was false because Defendant claimed to be traveling from 220 Kaywood
11 Wash Rd., Duncan, Arizona 85534, to Tucson, Arizona for services, when he in fact he
12 resided in Tucson and had not traveled from Duncan. These acts were in violation of
13 Title 18 U.S.C. § 1001.

14 **COUNT 3 – False Statements**

15 **18 U.S.C. § 1001**

16 On December 24, 2012, at or near Tucson, in the District of Arizona, Defendant,
17 Albert W. RIOS, did knowingly and willfully make a materially false, fictitious, and
18 fraudulent statement and representation in a matter within the jurisdiction of the U.S.
19 Department of Veterans' Affairs, by giving a false departure address on a travel
20 reimbursement form in Tucson, Arizona, in the District of Arizona. The statement and
21 representation was false because Defendant claimed to be traveling from 220 Kaywood
22 Wash Rd., Duncan, Arizona 85534, to Tucson, Arizona for services, when he in fact he
23 resided in Tucson and had not traveled from Duncan. These acts were in violation of
24 Title 18 U.S.C. § 1001.

25 **COUNT 4 – False Statements**

26 **18 U.S.C. § 1001**

27 On February 28, 2013, at or near Tucson, in the District of Arizona, Defendant,
28 Albert W. RIOS, did knowingly and willfully make a materially false, fictitious, and

1 fraudulent statement and representation in a matter within the jurisdiction of the U.S.
2 Department of Veterans' Affairs, by giving a false departure address on a travel
3 reimbursement form in Tucson, Arizona, in the District of Arizona. The statement and
4 representation was false because Defendant claimed to be traveling from 220 Kaywood
5 Wash Rd., Duncan, Arizona 85534, to Tucson, Arizona for services, when he in fact he
6 resided in Tucson and had not traveled from Duncan. These acts were in violation of
7 Title 18 U.S.C. § 1001.

8 **COUNT 5 – False Statements**

9 **18 U.S.C. § 1001**

10 On November 12, 2013, at or near Tucson, in the District of Arizona, Defendant,
11 Albert W. RIOS, did knowingly and willfully make a materially false, fictitious, and
12 fraudulent statement and representation in a matter within the jurisdiction of the U.S.
13 Department of Veterans' Affairs, by giving a false departure address on a travel
14 reimbursement form in Tucson, Arizona, in the District of Arizona. The statement and
15 representation was false because Defendant claimed to be traveling from 220 Kaywood
16 Wash Rd., Duncan, Arizona 85534, to Tucson, Arizona for services, when he in fact he
17 resided in Tucson and had not traveled from Duncan. These acts were in violation of
18 Title 18 U.S.C. § 1001.

19
20 A TRUE BILL

21
22 /S/
Presiding Juror

23 JOHN S. LEONARDO
United States Attorney
District of Arizona

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24
25 /S/
Assistant U.S. Attorney

26 REDACTED FOR
27 PUBLIC DISCLOSURE
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